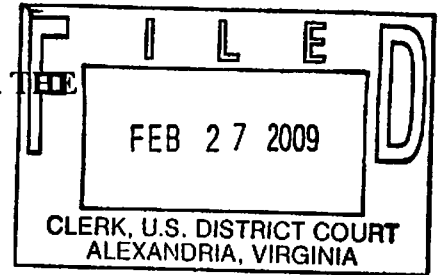


THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



TANARRAH TATE,
Plaintiff,

v.

FAIRFAX NEONATAL
ASSOCIATES, P.C., et al.,
Defendants.

Civil Action No. 1:08cv1219

ORDER

The matter came before the Court for a hearing on the following four motions:

- (i) a motion to dismiss pursuant to Rule 12(b)(6), Fed. R. Civ. P., filed by defendants Fairfax Neonatal Associates, P.C. and Fairfax Neonatal Associates, P.C. Group Health Plan (collectively "Fairfax Neonatal") (docket no. 5);
- (ii) plaintiff's motion for partial summary judgment against the Fairfax Neonatal defendants (docket no. 16);
- (iii) the Fairfax Neonatal defendants' motion for partial summary judgment against plaintiff (docket no. 25); and
- (iv) plaintiff's motion pursuant to Rule 56(f), Fed. R. Civ. P. (docket no. 30).

For the reasons stated from the Bench,

It is hereby **ORDERED** that the Fairfax Neonatal's motion to dismiss (docket no. 5) is **GRANTED** insofar as all claims asserted by plaintiff for any alleged non-willful violations of the FMLA are **DISMISSED** as time-barred. The motion is **DENIED** in all other respects.


It is further **ORDERED** that the parties' cross motions for partial summary judgment (docket

nos. 16 and 25) are **DENIED**, with leave to file new motions for summary judgment after the close of discovery.

It is further **ORDERED** that plaintiff's motion pursuant to Rule 56(f), Fed. R. Civ. P. (docket no. 30) is **DENIED AS MOOT** given the denial of the Fairfax Neonatal defendants' motion for partial summary judgment.

The Clerk is directed to send a copy of this Order to all counsel of record.

Alexandria, VA
February 27, 2009



T. S. Ellis, III
United States District Judge